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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,627	07/05/2001	Jong-won Lee	8021-55 (SS-14743-US)	5141
22150	7590	06/22/2005		
F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			EXAMINER GUERRERO, MARIA F	
			ART UNIT 2822	PAPER NUMBER

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/899,627	LEE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Maria Guerrero	2822	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 April 2005.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 12-26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 12-26 and 28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. This Office Action is in response to the Amendment filed April 11, 2005.

### Status of Claims

2. Claims 1-11 and 27 are canceled. Claims 12-26 and 28 are pending.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Volant et al. (U.S. 6,368,484) in view of Sun et al. (U.S. 6,709,316).

Volant et al. teaches forming a barrier layer along a stepped portion over the surface of an interdielectric layer having a recessed region (Fig. 2A, col. 3, lines 10-20). Volant et al. discloses forming a copper seed layer by on the barrier layer and exposing

the barrier layer by chemical mechanical polishing (Fig. 2A-2B, col. 2, lines 1-20, col. 3, lines 10-28). Volant et al. shows forming a copper layer projecting above the surface of the interdielectric layer and planarizing the copper layer to form a copper metal interconnection layer (Fig. 2C-2D).

Volant et al. does not show a solution comprising an oxidizing agent, a pH controlling agent, a chelate reagent, water, and not including an abrasive. However, Sun et al. shows exposing the barrier layer by chemical mechanical polishing using a solution comprising an oxidizing agent, a pH controlling agent, a chelate reagent, water, and not including an abrasive (col. 6, lines 49-67, col. 7, lines 1-8, 30-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Volant et al. by specifying the use of the solution taught by Sun et al. in order avoid dishing and obtain a clean surface without any residues particles.

4. Claims 17 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Volant et al. (U.S. 6,368,484) in view of Sun et al. (U.S. 6,709,316) and Chopra et al. (US 6,511,912).

Volant et al. teaches forming a barrier layer along a stepped portion over the surface of an interdielectric layer having a recessed region (Fig. 2A, col. 3, lines 10-20). Volant et al. discloses forming a copper seed layer by on the barrier layer and exposing the barrier layer by chemical mechanical polishing (Fig. 2A-2B, col. 2, lines 1-20, col. 3, lines 10-28). Volant et al. shows forming a copper layer projecting above the surface of

the interdielectric layer and planarizing the copper layer to form a copper metal interconnection layer (Fig. 2C-2D).

Volant et al. does not show the copper seed layer being formed by physical vapor deposition method. However, Chopra et al. shows the copper seed layer being formed by physical vapor deposition method as conventional in the art (col. 1, lines 25-30, col. 3, lines 58-65).

Volant et al. does not show a solution comprising an oxidizing agent, a pH controlling agent, a chelate reagent, water, and not including an abrasive. However, Sun et al. shows exposing the barrier layer by chemical mechanical polishing using a solution comprising an oxidizing agent, a pH controlling agent, a chelate reagent, water, and not including an abrasive (col. 6, lines 49-67, col. 7, lines 1-8, 30-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Volant et al. by specifying the copper seed layer being formed by physical vapor deposition as taught by Chopra et al. and the use of the solution taught by Sun et al. in order to avoid dishing and obtain a clean surface without any residues particles.

5. Claims 12, 16, and 18-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufman et al. (U.S. 6,063,306) in view of Chan et al. (U.S. 6,495,200) and Sun et al. (U.S. 2003/0022801).

6. Kaufman et al. teaches forming a barrier layer (adhesive layer) along a stepped portion over the surface of an interdielectric layer having a recessed region (trench

region and contact holes) (col. 1, lines 5-20, 25-65). Kaufman et al. shows exposing the barrier layer by chemical mechanical polishing using a solution comprising an oxidizing agent, a pH controlling agent, a chelate reagent, and water (col. 3, lines 40-48, 60-67, col. 4, lines 1-5, 57-65, col. 5, lines 5-65, col. 6, lines 3-55, col. 7, lines 13-20).

7. Furthermore, Kaufman et al. discloses oxidizing agent being hydrogen peroxide or an oxidizing agent of an ammonium series (col. 5, lines 5-30). Kaufman et al. shows the oxidizing agent from the ferric series as conventional use in the art (col. 2, lines 35-40). Kaufman et al. teaches the oxidizing agent being in a range of 0.01% to 3.0% by weight or 0.3% to about 17% by weight, the chelate reagent (benzotriazole (BTA)) being in a range of 0.01 to about 1% by weight (col. 3, lines 40-48, col. 5, lines 30-37, col. 6, lines 24-40). Kaufman et al. teaches controlling the pH using an acid (nitric acid) or a basic solution (ammonium hydroxide) and the pH being from about 2.0 to about 12.0 (col. 7, lines 12-22). Kaufman et al. discloses as conventional in the art the slurry comprising a chemically reactive solution (col. 2). Kaufman et al. teaches the solution having non-abrasive components (col. 10, lines 65-67, col. 11, lines 1-5).

8. Kaufman et al. does not specifically show forming a copper seed layer on the barrier layer. However, Kaufman et al. discloses forming a copper film on the barrier layer (col. 3, lines 60-67). Chan et al. shows the formation of the seed layer before forming a copper film as well known in the art (Fig. 1A-1D, col. 2, lines 10-32).

9. Kaufman et al. does not specifically show the exposing step does not include the use of an abrasive. However, Sun et al. discloses using an abrasive-free solution (paragraph 0048).

10. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kaufman et al. reference by including the conventional seed layer as taught Chan et al. and the abrasive-free solution as taught by Sun et al. to avoid dishing and erosion problems.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

11. Claims 12, 14-15, 17, and 28 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 6,610,596 in view of Kaufman et al. (U.S. 6,063,306) and Chan et al. (U.S. 6,495,200). Claims 1-6 of U.S. Patent No. 6,610,596 recites all the limitations of claims 12, 14-15, and 17, except for the copper seed layer and the solution comprising an oxidizing agent, a pH controlling agent, a chelate reagent, and water. However, Chan et al. shows the formation of the seed layer before forming a copper film as well known in

the art (Fig. 1A-1D, col. 2, lines 10-32). Kaufman et al. shows exposing the barrier layer by chemical mechanical polishing using a solution comprising an oxidizing agent, a pH controlling agent, a chelate reagent, and water (col. 3, lines 40-48, 60-67, col. 4, lines 1-5, 57-65, col. 5, lines 5-65, col. 6, lines 3-55, col. 7, lines 13-20).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include the recitation of the copper seed layer and the solution comprising an oxidizing agent, a pH controlling agent, a chelate reagent, and water as suggested by Kaufman et al. and Chan et al. because is conventional employed in the art.

### ***Response to Arguments***

12. Applicant's arguments filed April 11, 2005 have been fully considered but they are not persuasive. Claims 12-26 and 28 stand rejected.

13. Applicant argued that Sun et al. requires at least one or more corrosion inhibitors and Applicants' claims do not include one or more corrosion inhibitors. Applicant argued that Sun et al. discloses the optional use of abrasive particles, which applicant' invention (as provided in the claims) avoids. However, the rejected claims recited using a solution **comprising**. The transitional term "comprising", which is synonymous with "including," "containing," or "characterized by," is inclusive or open-ended and does not exclude additional, unrecited elements or method steps. See, e.g., > Invitrogen Corp. v. Biocrest Mfg., L.P., 327 F.3d 1364, 1368, 66 USPQ2d 1631, 1634 (Fed. Cir. 2003) ("The

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transition comprising' in a method claim indicates that the claim is open-ended and allows for additional steps."); *< Genentech, Inc. v. Chiron Corp.*, 112 F.3d 495, 501, 42 USPQ2d 1608, 1613 (Fed. Cir. 1997) ("Comprising" is a term of art used in claim language which means that the named elements are essential, but other elements may be added and still form a construct within the scope of the claim.); *Moleculon Research Corp. v. CBS, Inc.*, 793 F.2d 1261, 229 USPQ 805 (Fed. Cir. 1986); *In re Baxter*, 656 F.2d 679, 686, 210 USPQ 795, 803 (CCPA 1981); *Ex parte Davis*, 80 USPQ 448, 450 (Bd. App. 1948) ("comprising" leaves "the claim open for the inclusion of unspecified ingredients even in major amounts").

14. In response to Applicant arguments regarding the corrosion inhibitors and the optional use of abrasive particles in Sun et al. reference, Sun et al. shows exposing the barrier layer by chemical mechanical polishing using a solution comprising an oxidizing agent, a pH controlling agent, a chelate reagent, water, and **not including an abrasive** (col. 6, lines 49-67, col. 7, lines 1-8, 30-67). In addition, disclosed examples and preferred embodiments do not constitute a teaching away from a broader disclosure or nonpreferred embodiments. *In re Susi*, 440 F.2d 442, 169 USPQ 423 (CCPA 1971). *In re Gurley*, 27 F.3d 551, 554, 31 USPQ2d 1130, 1132 (Fed. Cir. 1994).

15. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

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16. Furthermore, during patent examination, the pending claims must be "given \*>their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). While the claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allow. > In re American Academy of Science Tech Center, F.3d, 2004 WL 1067528 (Fed. Cir. May 13, 2004)(The USPTO uses a different standard for construing claims than that used by district courts; during examination the USPTO must give claims their broadest reasonable interpretation.) < This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) >; Chef America, Inc. v. Lamb-Weston, Inc., 358 F.3d 1371, 1372, 69 USPQ2d 1857 (Fed. Cir. 2004).

17. Finally, it is noted that in the new listing, claim 12 does not recite the previously added limitation "does not include the use of abrasive". It is unclear if Applicant intended to amend the claim to remove this limitation. Clarification is requested.

### ***Conclusion***

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria Guerrero whose telephone number is 571-272-1837.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian can be reached on 571-272-1852. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Maria F. Guerrero*  
**MARIA F. GUERRERO**  
**PRIMARY EXAMINER**